

EXHIBIT J

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CAPELLA PHOTONICS, INC.,

Plaintiff,

v.

INFINERA CORPORATION, TELLABS,
INC., TELLABS OPERATIONS INC.,
CORIANT AMERICA INC., and
CORIANT (USA) INC.,

Defendants.

Case No. 2:20-cv-77-JRG

**PLAINTIFF CAPELLA PHOTONICS, INC.'S SECOND SET
OF INTERROGATORIES TO DEFENDANT**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, plaintiff Capella Photonics, Inc. (“Plaintiff” or “Capella”) hereby requests that defendants Infinera Corporation, Tellabs, Inc., Tellabs Operations Inc. n/k/a Infinera Optical Networks, Inc., Coriant America Inc. n/k/a Infinera America Inc., and Coriant (USA) Inc. n/k/a Infinera (USA) Inc. (“Defendant” or “Infinera”) respond to the following interrogatories within thirty (30) days of service in accordance with the following Definitions and Instructions.

DEFINITIONS

1. “Asserted Patents” means U.S. Patent No. RE47,905 (the “’905 patent”) and U.S. Patent No. RE47,906 (the “’906 Patent”), both individually and collectively.
2. “Asserted Claims” means any and all claims of the Asserted Patents that Plaintiff contends Defendant infringes directly, indirectly (including by inducement), and/or jointly, including the claims identified in Plaintiff’s Complaint (including any amendments thereto), in

Plaintiff's Infringement Contentions, and in any supplemental infringement contentions or expert reports relating to infringement.

3. The '368 patent means U.S. Patent No. RE 42,368.
4. The '678 patent means U.S. Patent No. RE 42,678.

INSTRUCTIONS

1. If you object to any part of an interrogatory and refuse to answer that part, state your objection and answer the remaining portion of that interrogatory.

2. In the event any information is withheld on a claim of attorney-client privilege, attorney work-product immunity, or any other privilege or immunity from disclosure consistent with Federal Rule of Civil Procedure 26(b)(5), please provide sufficient detail regarding the nature of the information, its source, the general subject matter, and the names and addresses of all persons to whom that information was disclosed, and a statement of the grounds for refusal to answer such interrogatory such as would enable other parties to assess the applicability of the privilege or protection.

3. These interrogatories are deemed to be continuing in nature, in accordance with the provisions of Federal Rule of Civil Procedure 26(e). If Defendant, Defendant's counsel, or anyone representing Defendant's interest, becomes aware of or acquires additional knowledge or information with respect to any of these interrogatories after service of its responses, they shall promptly furnish supplemental responses.

INTERROGATORY NO. 7:

If you contend that Capella is collaterally estopped from litigating the validity of any Asserted Claim based on the invalidation of a claim in the '368 or '678 patent, then identify each such Asserted Claim by patent number and claim number and for each such Asserted Claim

identify the corresponding invalidated claim from the '368 and '678 patent that forms the basis for the estoppel.

INTERROGATORY NO. 8:

If you contend that Capella is collaterally estopped from litigating the validity of any Asserted Claim, then for each such Asserted Claim state the basis for and all facts that support your contention that the differences between the Asserted Claim and the corresponding claims identified in response to Interrogatory No. 1 above do not materially alter the question of invalidity. *See Ohio Willow Wood Co. v. Alps S., LLC*, 735 F.3d 1333, 1342 (Fed. Cir. 2013).

Dated: October 9, 2020

By: /s/ Robert D. Becker
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Attorneys for Plaintiff,
CAPELLA PHOTONICS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on all counsel of record who have consented to electronic service on this 9th day of October, 2020.

/s/ Christopher L. Wanger
Christopher L. Wanger